

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4303 of 2006()

CRA.491/2004 of ADDL. SESSIONS COURT-II, MAVELIKKARA
MC.70/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, HARIPAD

REVN. PETITIONER:

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1. BAHULEYAN, S/O DAMODARAN,
NALLOTTIL VADAKKATHIL VEEDU (FROM NADUVILE VEEDU)
KARUVATTA SOUTH MURI, KUMARAPURAM VILLAGE
HARIPAD, ALAPPUZHA
 2. LALITHAMBARAN, S/O RAMAKRISHNA PANICKER,
NALLEVEETIL, KARUVATTA SOUTH MURI,
KUMARAPURAM VILLAGE,
HARIPAD, ALAPPUZHA

BY ADV. SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS:

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR C.K. SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4303 of 2006

Dated this the 4th day of December, 2006

ORDER

The petitioners stood as sureties for the accused Ramesh Panicker. The accused is absconding. The petitioners had executed a bond for Rs.50,000/- each for the release of the accused on bail. The petitioners could not procure his presence in court in spite of opportunities having been granted by the trial court. They expressed their inability to produce the accused before the court. The trial court forfeited the bond and imposed a penalty of Rs.50,000/- each on the petitioners. On appeal by the petitioners, the appellate court took into account the impecunious circumstances of the petitioners, and reduced the penalty to Rs.12,000/- each.

2. The learned counsel for the petitioner submitted that the petitioners have taken all earnest efforts to trace the accused. It is also stated that the accused is outside Kerala and he is not in touch with his parents and he did not come to his house even for his mother's funeral. The counsel stated that the

petitioners are coolies and they would not be able to pay the penalty as now imposed by the appellate court. He submitted that the accused is involved in several other cases and the petitioners stood as sureties without really understanding the nature of consequences. It is submitted that the petitioners are practically illiterate people. Taking into account, the facts and circumstances of the case, I am inclined to reduce the penalty to Rs.7,500/- each. The petitioner shall deposit the penalty amount within a period of one month.

Crl.R.P. is allowed to the extent as indicated above.

**K.T.SANKARAN,
JUDGE**

csl

K.T.SANKARAN, J

Crl. R.P. No. 4303 of 2006
in
Crl.M.A.No. 12117 of 2006

Dated this the 4th day of December, 2006

ORDER

This is an application to condone the delay of 193 days in filing the Crl.R.P. It is stated in the affidavit, accompanying with the application, that the petitioners had got pronouncement of the judgment only on 20.8.2006 and due to acute financial difficulties they could not engaged the lawyer. Taking into account this facts and circumstances of the case, I am inclined to allow the application. The delay is condoned. Number the Crl.R.P.

**K.T.SANKARAN,
JUDGE**

csl

